THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.6197 of 2000

Date 18.01.2007

Between:
V.Nagamma.

..... PETITIONER

AND

The Government of Andhra Pradesh,
Rep., by its Secretary, Cooperative Department,
Secretariat, Hyderabad & others.

.....RESPONDENT

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.6197 of 2000

ORDER:

The relief sought for in this writ petition is for a

direction to respondents 1 to 6 to issue directions to the 7th respondent forthwith to admit the petitioner into service as Secretary with all consequential benefits, continuity of service along with payment of arrears of salary by declaring the action of the 7th respondent as being in violation of Articles 14, 19(g) and 21 of the Constitution of India.

The petitioner was appointed as a Secretary in the year 1977 in Charupalli Primary Agricultural Co-operative Society, Ananthapur District under the control of the Ananthapur District Cooperative Central Bank. In exercise of the powers conferred under Rule 72 of the A. P. Co-operative Societies Rules, the District Collector, as the Registrar, allotted the employees, working under the control of the Ananthapur District Co-operative Central Bank, to various Primary Agricultural Co-operative Societies. The District Collector, vide proceedings dated 29-09-1992, transferred the petitioner from Ragulapadu Primary Agricultural Co-operative Society to Kuchivaripalli Primary Agricultural Co-operative Society. Pursuant to the said orders, the petitioner had joined the 7th respondent-society and is said to have been discharging his duties.

While the petitioner contends that he went on leave from July, 1996 and on his reporting for duty on 03-08-1996, the 7th respondent declined to take him back into duty, it is the case of the 7th respondent that the petitioner never came and reported for duty. The fact, however, remains that the grievance in the writ petition is with regards the petitioner not being permitted to join

duty in the 7th respondent society. As held in **Sri Konaseema Co-operative Central Bank Ltd. Amalapuram v. V.Seetharama Raju**[1] the respondent-society is not an instrumentality of the State under Article 12 of the Constitution of India and as such a writ does not lie there against. It is not the case of the petitioner that any statutory provision has been violated either by the 7th respondent or by respondents 1 to 6 in not giving directions to the 7th respondent to take the petitioner back to duty. The grievance of the petitioner is solely against the 7th respondent in not taking him back to duty. The remedy available to the petitioner is not by invoking the jurisdiction of the High Court under Article 226 of the Constitution of India, but under the provisions of the A.P.Shops and Establishments Act, 1988 (for short 'the Act'). Leaving it open to the petitioner, if he so chooses, to avail the remedy under the A.P. Shops and Establishments Act, the Writ Petition is accordingly dismissed. No costs.

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18-01-2007

usd

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[1] AIR 1990 AP 171